

## § 460.28

(2) The delivery of comprehensive, integrated acute and long-term care services.

(3) An interdisciplinary team approach to care management and service delivery.

(4) Capitated, integrated financing that allows the provider to pool payments received from public and private programs and individuals.

(5) The assumption by the provider of full financial risk.

[67 FR 61505, Oct. 1, 2002]

EFFECTIVE DATE NOTE: At 67 FR 61505, Oct. 1, 2002, § 460.26 was added, effective Oct. 31, 2002.

## § 460.28 Notice of CMS determination on waiver requests.

(a) *Time limit for notification of determination.* Within 90 days after receipt of a waiver request, CMS takes one of the following actions:

(1) Approves the request.

(2) Denies the request and notifies the PACE organization in writing of the basis for the denial.

(b) *Date of receipt.* For purposes of the 90-day time limit described in this section, the date that a waiver request is received by CMS from the State administering agency is the date on which the request is delivered to the address designated by CMS.

(c) *Waiver approval.* (1) A waiver request is deemed approved if CMS fails to act on the request within 90 days after the date the waiver request is received by CMS.

(2) CMS may withdraw approval of a waiver for good cause.

[67 FR 61505, Oct. 1, 2002]

EFFECTIVE DATE NOTE: At 67 FR 61505, Oct. 1, 2002, § 460.28 was added, effective Oct. 31, 2002.

## Subpart C—PACE Program Agreement

### § 460.30 Program agreement requirement.

(a) A PACE organization must have an agreement with CMS and the State administering agency for the operation of a PACE program by the PACE organization under Medicare and Medicaid.

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(b) The agreement must be signed by an authorized official of the PACE organization.

EFFECTIVE DATE NOTE: At 67 FR 61505, Oct. 1, 2002, § 460.30 was amended by revising paragraph (b) and adding paragraph (c), effective Oct. 31, 2002. For the convenience of the user, the revised and added text is set forth as follows:

### § 460.30 Program agreement requirement.

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(b) The agreement must be signed by an authorized official of CMS, the PACE organization and the State administering agency.

(c) CMS may only sign program agreements with PACE organizations that are located in States with approved State plan amendments electing PACE as an optional benefit under their Medicaid State plan.

### § 460.32 Content and terms of PACE program agreement.

(a) *Required content.* A PACE program agreement must include the following information:

(1) A designation of the service area of the organization's program. The area may be identified by county, zip code, street boundaries, census tract, block, or tribal jurisdictional area, as applicable. CMS and the State administering agency must approve any change in the designated service area.

(2) The organization's commitment to meet all applicable requirements under Federal, State, and local laws and regulations, including provisions of the Civil Rights Act, the Age Discrimination Act, and the Americans With Disabilities Act.

(3) The effective date and term of the agreement.

(4) A description of the organizational structure of the PACE organization and information on administrative contacts, including the following:

(i) Name and phone number of the program director.

(ii) Name of all governing body members.

(iii) Name and phone number of a contact person for the governing body.

(5) A participant bill of rights approved by CMS and an assurance that the rights and protections will be provided.